

Serial No. 09/502,176

Title: *Deglycosylated Kringle 1-3 Region Fragments of Plasminogen and Methods of Use*
Amendment and Response to Office Action

Filed: February 10, 2000

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REMARKS

The above-identified patent application is directed to a deglycosylated kringle 1-3 region fragment of a plasminogen protein and compositions thereof. Claims 1 and 41-43 have been amended. No new matter has been introduced by the amendments and support for the amendments is found throughout the specification and in the original claims. Claims 1-4, 6-9, 15-16, 27, 29, 35, and 37-43 are pending upon entry of the amendments. Reexamination and reconsideration of the application are requested in view of the amendments and the following remarks.

Claim rejections under §112, second paragraph

The Examiner rejected Claims 41-43 under 35 U.S.C. §112, second paragraph as indefinite. Claims 41-43 has been amended to replace the word "composition" with the phrase "the deglycosylated kringle 1-3 region fragment." Applicants respectfully submit that the amendments to the claims overcome the rejection and request withdrawal thereof.

Claim Rejections under 35 U.S.C. §102(e)

The Examiner rejected Claims 1-4, 6-9, 15-16, 27 and 41-43 under 35 U.S.C. §102(e) as being anticipated by Holaday *et al.* (U.S. Patent Application Publication No. 2003/0012792 A1, hereinafter "Holaday"). Applicants respectfully traverse.

The Examiner asserted that Holaday discloses a human peptide of 260 amino acids (SEQ ID NO:61) that is the same as applicants' SEQ ID NO:2. Applicants respectfully submit that the cited publication is not a valid prior art reference with respect to the present application because the relevant part of the disclosure in Holaday has an effective priority date that is after the filing date of the present application.

The Holaday application, filed April 25, 2002, is a continuation-in-part application. The parent application, U.S. Patent Application Serial No. 09/907,402, now U.S. Patent No. 6,544,947, was filed July 17, 2001. The disclosure of the parent application fails to contain SEQ ID NO:61. Thus, the effective priority date for SEQ ID NO: 61 is April 25, 2002. The filing date of the present application is February 10, 2000. Therefore, the

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Holaday reference is not prior art. In view of the foregoing, applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

The Examiner rejected Claims 1-4, 6, 8, 9, 15, 16 and 29 under 35 U.S.C. §102(e) as being anticipated by Folkman *et al.* (U.S. Patent No. 5,837,682 hereinafter "Folkman"). Applicants respectfully traverse.

As mentioned during the telephone conference with the Examiner, the Folkman patent and the present application are commonly owned by Children's Medical Center Corporation. Therefore, the Folkman patent is not a valid 102(e) reference.

In addition, Claim 1 has been amended to recite a deglycosylated kringle 1-3 region fragment that lacks one or two carbohydrate moieties found in naturally glycosylated forms of the fragment. Support for this amendment can be found on page 10, line 32, to page 11, line 17, and in Examples 1-3 on pages 34-38. The kringle 1-3 region of plasminogen is known to be naturally glycosylated at least at three multiple sites. For example, the kringle 1-3 region of human plasminogen is known to be naturally glycosylated at Ser-249, Asn-289 and Thr-346 (pages 9-10, lines 35-9). The claimed fragment lacks glycosylation at one or two of those naturally occurring glycosylation sites while retaining glycosylation at the other site(s). In contrast, when this protein is produced in a bacterial cell, as disclosed by Folkman, it lacks all forms of glycosylation, which is outside the scope of the amended claims.

For at the least the foregoing, applicants respectfully submit that the rejections under 35 U.S.C. §102(e) have been overcome and request withdrawal thereof.

Allowed Claims

The Examiner has indicated that Claims 35 and 37-40 are allowable. Claim 39 is an independent claim, and Claims 35, 37-38 and 40 depend from independent Claim 39.

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CONCLUSION

Applicants assert that the claims are now in condition for allowance and respectfully request that the application be passed to issuance. If the Examiner believes that any informalities remain in the case which may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6500 is respectfully solicited.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies that may be required or credit any overpayment to Deposit Account Number 11-0855.

Respectfully submitted,



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